IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 16 OF 2005

IN

WRIT PETITION NO. 2015 OF 2001

MR. DEVRAJ R. MEHTA ..PETITIONER

V/S

NTC LTD. AND ORS. ..RESPONDENTS

SHAILESH SHAH I/B C.H MISHRA FOR PETITIONER.

S.K. TULSANIA, SR. ADVOCATE I/B N.G.MENON FOR RESPONDENT.

CORAM : S.K. SHAH, J.

ORDER : 4TH AUGUST, 2006.

P.C.

The learned counsel for the Petitioner states that the contempt is alleged of the order dated 21st January 2002 whereby the Respondent No. 2 and 3 were directed to pay the dues of the Petitioner within a period of 2 weeks. The further order is that in case, it is found in the proceeding that the petitioner has caused any loss to the Corporation, Corporation will be entitled to recover the same from the petitioner in accordance with law.

It is undisputed that pursuant to the order dues to the tune of Rs. 1,76,000/- has been paid by the Respondent No. 2 and 3.

It appears that subsequent thereto the proceeding against the Petitioner were concluded and

the Respondent Nos. 2 and 3 have deducted the amount of financial loss caused to them as a result of the act on the part of the petitioner from the amount due to the petitioner as per the directions of the Apex Court. The dispute is whether this deduction of the amount is in accordance with the law. Since this dispute is there obviously the non payment of the dues to the extent of the amount sought to be recovered by the Respondents cannot be intentional or by way of disobedience of the order of the court. The said dispute cannot be gone into in the contempt petition. Under the circumstances there is no contempt. Accordingly the petition is disposed of. The show cause notice stands discharged.

(S.K. SHAH,J.)